

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
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Gerald W. FISCHER et al.) Group Art Unit: Unassigned
)
Serial No.: To be assigned) Examiner: Unassigned
(Previous serial no.: 09/097,055))
)
Filed: June 29, 2001)
(Previous filing date: June 15, 1998))
)
For: OPSONIC AND PROTECTIVE)
MONOCLONAL AND CHIMERIC)
ANTIBODIES SPECIFIC FOR)
LIPOTEICHOIC ACID OF GRAM)
POSITIVE BACTERIA)

#8
Plunkett
12/14/01



Assistant Commissioner for Patents
Washington, DC 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application.

Copies of the listed documents were previously submitted in a prior application, application no. 09/097,055, filed June 15, 1998, upon which applicants rely for the benefits provided in 35 U.S.C. § 120. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 29, 2001

By: Jean B. Fordis
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